

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7552

Petition of Kettle Brook Condominium Owners')
Association, of Ludlow, Vermont, versus)
Okemo Limited Liability Company re provision)
of water service and charges related thereto)

Order entered: 12/21/2009

PREHEARING CONFERENCE MEMORANDUM AND ORDER

Kettle Brook Condominium Owners' Association ("Kettle Brook COA") filed a complaint with the Vermont Public Service Board ("Board") on July 16, 2009, alleging that Okemo Limited Liability Company ("Okemo LLC") has continually charged Kettle Brook COA for water service in violation of 30 V.S.A. § 203(3) and seeking relief for such alleged violation. On December 8, 2009, I convened a prehearing conference in this docket at which appearances were entered by: Geoffrey Commons, Esq., for the Vermont Department of Public Service; Charles L. Merriman, Esq., of Tarrant, Marks & Gillies for Kettle Brook COA; Victoria J. Brown, Esq., of Primmer Piper Eggleston & Cramer PC for Okemo LLC; and Jon S. Readnour, Esq., of Readnour Associates, P.C., for Okemo Mountain Lodge Condominium Owners Association, Inc. ("Okemo Mountain Lodge COA").

At the prehearing conference, Okemo Mountain Lodge COA, a non-profit corporation whose members own units of another condominium project identified in the complaint as also receiving water service from Okemo LLC, made a motion to intervene as a party in this docket and to join the petition of Kettle Brook COA as a complainant. None of the existing parties objected to this motion, and the motion was granted. The deadline for any further motions to intervene in this docket was set for December 22, 2009, with responses to any motion due on December 29, 2009.

The parties indicated they were seeking to achieve a comprehensive settlement in this docket and in a related docket (No. 7568) and requested that further proceedings in this docket be

delayed for a 90-day period while they conducted negotiations for this purpose. Kettle Brook COA, Okemo Mountain Lodge COA and Okemo LLC are to provide a brief report to the Department and the Board as to the status of negotiations on February 1, 2010, and if a settlement is achieved they will advise the Department and Board to that effect by March 15, 2010. If the parties are unable to reach a settlement in this docket, the parties, either jointly or severally, shall file recommendations for a proposed schedule for this proceeding by March 15, 2010.

SO ORDERED.

Dated at Montpelier, Vermont, this 21st day of December, 2009.

s/Lars Bang-Jensen

Lars Bang-Jensen
Hearing Officer

OFFICE OF THE CLERK

FILED: December 21, 2009

ATTEST: s/Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)